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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,100	10/25/2001	Shunpei Yamazaki	07977-287001 / US5276	7713

20985 7590 07/23/2003
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EXAMINER

BERRY, RENEE R

ART UNIT PAPER NUMBER

2818

DATE MAILED: 07/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
10/033,100

Applicant(s)
Yamazaki, et al.

Examiner
Renee Berry

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2818



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above, claim(s) 1-8 and 11-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9, 10, and 22-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

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DETAILED ACTION

Election/Restriction

1. Applicant's election without traverse of in Paper No. 6 is acknowledged.
2. Claims 1-8, and 11-21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 9.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9, 10, and 22-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent no. 6,583,583 to Soeda et al. in view of US patent no. 6,420,200 to Yamazaki et al.

In regard to claim 9, Soeda teaches a film formation method having the steps of setting different temperatures to a material plural times in an evaporation source having the material to

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purify the material by sublimation stepwise, and forming a thin film on a substrate using the purified material at column 7, lines 30-35, column 10, Tables 1 and 2 .

In regard to claim 10, Soeda teaches the material is EL material at column 7, lines 55-57.

In regard to claim 22, Soeda teaches a film formation method having the steps of evaporating a material in a first system controlled to a first temperature; controlling a second temperature to change the material into a first gas and a first solid; removing the first gas; evaporating the first solid in the second system controlled to the first temperature; controlling a third system to a third temperature to change the evaporated first solid into a second gas and a second solid; and forming a thin film using the second gas over a substrate at column 8, lines 17-40.

In regard to claim 23, Soeda teaches a film formation method having steps of evaporating a material in a first system controlled to a first temperature; controlling a second system to a second temperature to change the material into a gas and a solid; removing the gas; and evaporating the solid in the second system controlled to the first temperature at column 8, lines 16-40.

In regard to claim 24, Soeda teaches a film formation method having the steps of evaporating a material in a first system controlled to a first temperature; controlling a second system to a second temperature to change the material into a gas and a solid; and forming a thin film using the gas over a substrate at column 8, lines 16-40.

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In regard to claims 25 and 27, Soeda teaches the material is an EL material at column 7, lines 55-57.

In regard to claim 28, Soeda teaches a film formation method having steps of evaporating a solid including an EL material to form a gas including the EL material; moving the gas including the EL material with a carrier gas, and a temperature of the gas including the EL material gradually decrease in accordance with the moving; precipitating the EL material in one position to form a precipitated EL material; and forming a thin film using the precipitated EL material at column 8, lines 16-40.

In regard to claim 30, Soeda teaches the moving step is conducted in a reduced pressure state at column 8, lines 28-35.

In regard to claim 31, Soeda teaches a film formation method having the steps of evaporating a solid including an EL material to form a gas including the EL material in a first chamber; moving the gas including the EL material with a carrier gas in a second chamber, and a temperature of the gas including the EL material gradually decrease in accordance with the moving; precipitating the EL material in one position to form a precipitated EL material in the second chamber; and forming a thin film using the precipitated EL material in a third chamber at column 8, lines 16-40.

In regard to claim 33, Soeda teaches the moving step is conducted in a reduced pressure state at column 8, lines 28-35.

However, Soeda does not teach all the limitations of the claims.

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In regard to claim 29, Yamazaki teaches the carrier gas is one of nitrogen and a noble gas at column 11, lines 35-36 .

In regard to claim 32, Yamazaki teaches the carrier gas is one of nitrogen and a noble gas at column 11, lines 35-36.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Soeda to include using a carrier gas of one of nitrogen and a noble gas, since such a modification would result in a clean environment and fewer impurities, as describe in column 2, lines 35-50 of Yamazaki et al.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. R. Berry whose telephone number is (703) 305-4544.


**HOAI HO
PRIMARY EXAMINER**



RRB

July 9, 2003